

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

January 17, 2002

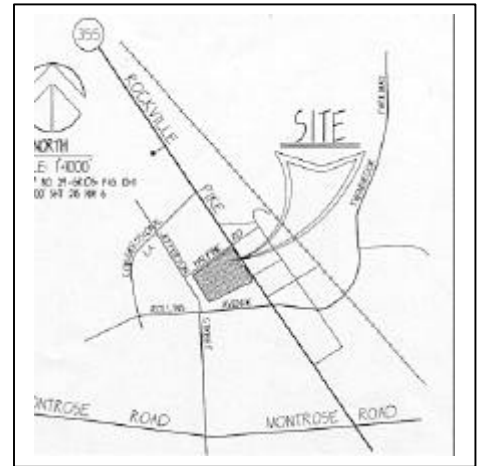
SUBJECT:

Use Permit Application USE2000-00623 - Congressional South Shopping Center

Applicant: Congressional South Associates
Limited Partnership
c/o Ronald Cohen
6500 Rock Spring Drive
Suite 302
Bethesda, Maryland 20817

Date Filed: Originally Filed December 15, 2000
Resubmitted October 31, 2001

Property Location: 1701-1765 Rockville Pike
and 120-190 Halpine Road



REQUEST:

The applicant seeks Use Permit approval under the optional method of development in the Rockville Pike Commercial (RPC) and Rockville Pike Residential (RPR) zones for a development that includes a total of 71,569 square feet of general retail space, 7,952 square feet of furniture use, 19,880 square feet of restaurant use, a 164 room hotel with 3,386 square feet of assembly space and 407 residential apartments.

PREVIOUS RELATED ACTION:

- Use Permit U-297-84: For a seven story hotel containing 162 rooms, meetings rooms containing a total of 2,400 square feet, retail space totaling 7,346 square feet and a restaurant with 7,568 gross square feet of floor area. Approved on November 20, 1985.
- Use Permit U-298-84: For a ten thousand square foot in-fill addition. Approved on July 10, 1984.
- Use Permit U-344-85: For a two-story 20,000 square foot retail building on the corner of Halpine Road and Rockville Pike. Approved on November 20, 1985.
- Use Permit U-392-87: For a one-story 6,000 square foot retail building on Halpine Road. Approved on October 28, 1987.
- On October 22, 2001, the Mayor and Council granted a waiver from the requirement that not less than 75% of the gross leasable area on ground floor of an building in the RPC Zone be devoted to retail use.

STAFF RECOMMENDATION:

Approval, subject to the following:

1. Submission, for the approval of the Chief of Planning, of fifteen (15) copies of the site plan, revised according to Planning Commission Exhibit A.
2. Submission, for the approval of the Chief of Planning, of fifteen (15) copies of a coordinated detailed landscaping plan, revised to contain additional seating areas and planters as shown in Planning Commission Exhibit B.
3. Submission, for the approval of the City Forester, of five copies of a Forest Conservation Plan for the site in accordance with the Forest and Tree Preservation Ordinance. This plan should be coordinated with the landscape plan requirements.
4. Submission, for the approval or processing by the Department of Public Works, of the following:
 - a. Plans for valves in the public water system in Halpine Road and placement of the water meter. Water meters shall be placed in the right-of-way, outside of traffic areas. Preferred located would be within island or grass area. All on-site water and sewer shall be private.
 - b. An application for abandonment of any existing utility easements to be approved by the Mayor and Council. New easements must be executed prior to permit issuance (sewer, water, stormwater, access, service drive, etc.)
 - c. Submission of a sanitary sewer study.
 - d. Plans for the mill and overlay of public streets if a trench in a public street is necessary. Plans should include a distance of fifty feet on each side of roadway cut or entire east bound Halpine Road, if determined during engineering design.
 - e. Detailed engineering plans and computations for sediment control, storm drain and stormwater management, water and sewer design (including connections to public systems) and roadway improvements to Halpine Road (including storm drainage.)
 - f. Submission, for the review by the Department of Public Works, of the design to maintain electrical power service to the traffic signal at Halpine Road and the site entrance during demolition and construction.

- g. Submission, for approval the City Attorney, of a stormwater maintenance/easement agreement to be recorded among the Land Records of Montgomery County, Maryland
5. That the existing service drive easement be revoked and a new twenty-five (25) foot wide service drive easement be established along the Rockville Pike frontage.
6. Dedication/establishment of pedestrian access easements where indicated on Exhibit A.
7. That a comprehensive signage package be brought back to the Planning Commission for approval. Permits for all approved signs must also be obtained from the Inspection Services Division.
8. That any new transformers be placed underground, unless a waiver from the Planning Commission is granted.
9. That sufficient right-of-way on the northeast corner of the property for future access to an underground pedestrian crossing of Rockville Pike. As shown in Exhibit A.
10. That a Transportation Demand Management (TDM) agreement shall be executed between the City and the property owner prior to issuance of a building permit. T
11. That, prior to the issuance of a building permit, a monetary contribution of \$19,500 be made for the implementation of three new bus shelters. In lieu of a cash contribution, the applicant may construct the shelters, subject to approval by the Department of Public Works.
12. That the applicant shall provide:
 - a. A minimum of 10 bicycle lockers in each garage to serve the residential units, for a total of twenty lockers.
 - b. Bicycle racks to accommodate a minimum of 40 bicycles, placed evenly throughout the site to serve the non-residential uses.
13. That the applicant shall make the necessary improvements to close the median opening along Halpine Road, as approved by the Department of Public Works.
14. That all internal and external traffic control devices shall comply with the latest edition of the Manual on Uniform Traffic Control Devices. A signing and pavement-marking plan shall be submitted to the Department of Public Works for approval by the Chief of Traffic and Transportation.
15. That the new buildings meet all applicable handicap-accessibility requirements of the State of Maryland and the Americans with Disabilities Act of the Federal

- Government, as well as all construction code requirements of the City of Rockville.
16. That the applicant continue to work with the Department of Recreation and Parks for the placement of art in public places.
 17. That bonds be posted and permits obtained from the Department of Public Works and the State Highway Administration, as necessary.
 18. Submission, for approval by the Chief of Planning, of a phasing plan to provide sufficient parking for the tenants that occupy the site during construction.
 19. That a prorated number of Moderately Priced Dwelling Units (MPDUs), be provided in accordance with the requirements of the Moderately Priced Housing Ordinance. The exact percentage will be based on the 12.5 percent requirement within the RPR Zone and the 15 percent requirement in the RPC Zone. If the request for payment in lieu of providing the units is not approved, the MPDUs shall be dispersed throughout the development.
 20. The applicant shall sign and return the approval letter prior to the release of any permits.

ANALYSIS:

Property Description:

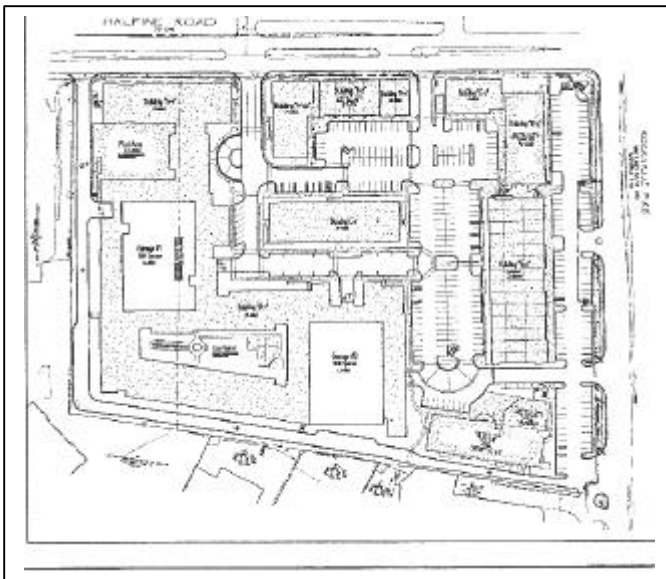
The property contains 552,467 square feet or 12.68 acres of land and is located on the southwest corner of Rockville Pike and Halpine Road. The site is bounded by Rockville Pike to the east, with the Doubletree Hotel Complex across the road. Congressional Plaza Shopping Center is located to the north. The Bethany House elderly housing facility is located to the west. Various office and retail uses are located to the south along Rollins Avenue and Rockville Pike. A post office and a fire house are also among the uses located to the south. The Congressional South Plaza is currently developed with approximately 254,000 square feet of improvements. These improvements are contained within 7 mixed use buildings and a 164 room hotel building that also houses a 7,568 square foot restaurant, 6,772 square feet of retail and 3,389 square feet of assembly space.

Approximately 10.29 acres on the site are zoned RPC (Rockville Pike Commercial) towards the front of the lot and the remaining 2.39 acres are zoned RPR (Rockville Pike Residential) towards the rear.

Background

Major vacancies have resulted in the center over the last several years and the owners of the center have been preparing for redevelopment. The first option explored by the owners of the center included plans for redevelopment of the back portion of the site with a Costco Membership Warehouse. A moratorium on acceptance and processing of applications for retail stores over 60,000 square feet and a subsequent Text Amendment limited the size of individual tenant spaces to a maximum of 65,000 square feet. As a result, the deal with Costco was not implemented. The owner then submitted a redevelopment plan that, again, retained the buildings along Rockville Pike but proposed major redevelopment on the back portion of the lot with a mix of retail, furniture and office uses. Initial staff review of the plan concluded that more attention needed to be focused on the buffering and access way requirements of the Rockville Pike Corridor Plan. Although the uses and proposed locations were permitted by the Pike Plan and the Zoning Ordinance, staff was concerned that the plan did not include a residential component. During discussion of the issues, a suggestion was made that the applicant consider designing the structures so that residential could be added above the retail at a later date. The applicant returned with a plan that included residential development. The new plan fills the entire RPR section with residential apartments and a large portion of the RPC portion is also proposed with residential development. Since the resubmittal, staff, the applicant and staff's urban design consultant have discussed a number of other variations to the design of the site, particularly the travelways through the site and the mixture of retail and residential buildings. The result is the proposal now being recommended for approval with modifications.

Development Proposal:



The application proposes to demolish five of the eight buildings currently located on the site. The three buildings that will remain are the newest on the site – the retail building on the corner of Halpine Road and Rockville Pike (shown as building “D-c” on the attached plans), the retail/restaurant building along Halpine Road (building “B-c”) and the hotel building on the southeast corner of the property. Two new four-story buildings will contain rental apartments and one four-story addition onto building “B-c” will house retail on the first floor

and residential on the remaining floors. The proposed mixed retail/residential building addition is onto the western side of building. Another retail addition is planned for the eastern side of the building. A building addition is also planned behind building "D-c" along the Halpine Road frontage. A single retail building ("E-c") is planned in the area that is now occupied by the two buildings that will be demolished on the Rockville Pike frontage. These changes will result in the site containing a total of 71,569 square feet of general retail space, 7,952 square feet of furniture use, 19,880 square feet of restaurant use, a 164 room hotel with 3,389 square feet of assembly space and 407 residential apartments.

Conformance with the Zoning Ordinance and Rockville Pike Corridor Plan:

The application has been submitted under the Optional Method of Development. Review of an application submitted under the Option Method of Development must include not only the requirements contained in the Zoning Ordinance but also compliance with the provisions and guidelines contained in the Rockville Pike Corridor Plan. The following lists the development requirements contained in the Rockville Pike Plan and staff comments related to each.

- ***Compliance with the Plan*** (RPR and RPC)
Areas of concern have either already been addressed or are noted on Exhibit A.
- ***Compliance with Access Management Plan*** (RPR and RPC)
These are the driveway entrances and configurations contained in the Rockville Pike Plan. Although several of the driveways may be positioned slightly different in the development plan, they basically comply both for location and configuration. The large driveway opening onto Rockville Pike in front of the hotel has been narrowed slightly but not altered to match the configuration proposed in the Pike Plan. This is because it would be difficult for trucks or buses to navigate the concrete median while not placing the driveway entrance too close to the driveway entrance on the adjacent property.
- ***Screening/Landscaping as shown in the Plan*** (RPR and RPC)
This plan meets the basic screening and landscaping requirements of the Rockville Pike Plan and the Zoning Ordinance. It, however, needs slight alterations for compliance with the Forest and Tree Preservation Ordinance and to provide for more defined open spaces. These alterations are included in the comments contained on Exhibit B .
- ***Standard Traffic Methodology*** (RPR and RPC)
The Traffic and Transportation Division has reviewed the traffic study. It has been noted that the traffic generate by the redevelopment will not have a significant impact. A copy of their assessment is attached.
- ***Rights of way/easements dedicated for improvements shown in the Plan*** (RPR and RPC)
No street dedication is required. Dedication is, however, requested for a future below grade Rockville Pike crossing. The area needed is indicated on Exhibit A, on the corner of Rockville Pike and Halpine Road.

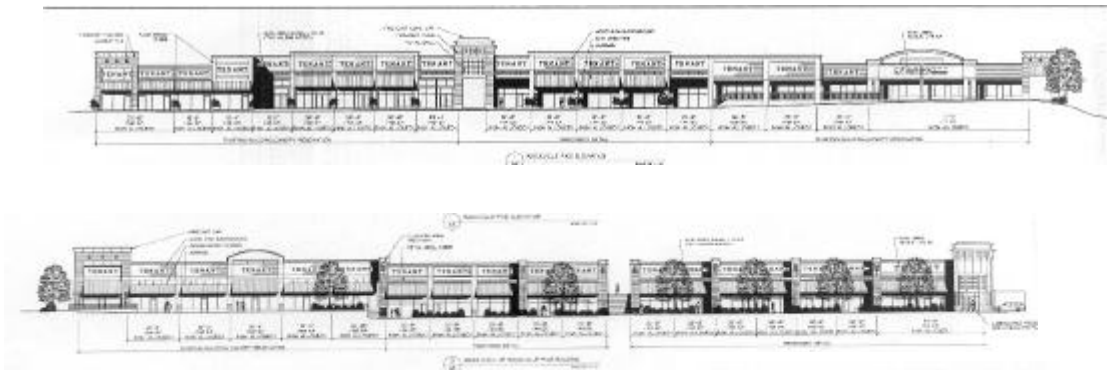
A service drive easement will need to be dedicated along the Rockville Pike frontage up to the property line that is shared with the abutting property. There is an existing service drive in place but it runs behind the buildings that front on Rockville Pike. This will need to be revoked and reestablished to accommodate the proposed design.

- ***Building envelope as shown in Plan*** (RPR and RPC)

The building envelope is based on many factors but the main concerns are the height of the building in relationship to the setback, FAR, residential density and open space. In all cases where the buildings abut developable or developed property, the buildings are setback a distance equal to the height of the structure. Once the residential density is subtracted from the overall square footage of the building located in the RPC Zone, the FAR is less .25, well below the 1.25 maximum FAR permitted in the RPC Zone when residential development is provided in the Twinbrook Metro Performance District.

- ***Urban Design review process*** (RPR and RPC)

The application has been reviewed by the Urban Design Review Committee and found to be acceptable. In general, the plan was favorably received. There are differences noted in the interpretation of building placement and internal street configurations noted. Overall, however, the Committee concluded that the proposal complied with the Rockville Pike Corridor Plan. (A copy of the memo is attached.)



- ***Solar Access Requirement*** (RPR)

None of the buildings cast a shadow on adjacent residential structures between 10 a.m. and 2 p.m.



- ***Construction of pedestrian and access ways*** (RPR and RPC)

The pedestrian way could not be provided in exactly the same configuration as suggested in the Rockville Pike Corridor Plan. The Plan called for the pedestrian way to bisect the middle of the Congressional North, Congressional and Congressional South shopping centers. The renovations and redevelopments that took place on the Congressional and Congressional North properties were only partial redevelopments, un-like the one proposed with this application. Consequently, the area where the pedestrian access way is proposed was blocked by existing and retained buildings and could not be implemented where proposed.

There has been however, a relatively safe route created by the alignment of the buildings on all three properties that can function as a pedestrian access way. This route is created along the front of the large retail building on the Congressional North property, crosses Congressional Lane, continues through the breezeway between the two major buildings on the Congressional property, follows the front of the large building that is parallel to Rockville Pike, crosses over Halpine Road and continues along the front and east side of the large residential building proposed with this application. The easement is then proposed to cross over the back service lane onto the common property line that is shared with the properties on Rollins Avenue. This configuration means that, except for where pedestrians will have to cross Congressional Lane and Halpine Road, they are provided safe travel on the sidewalks in front of the buildings. Further, an additional pedestrian access connection is proposed by staff along the sidewalk that abuts the shops on the back of the buildings that front on Rockville Pike. This easement will not only provide for pedestrian access but will also serve to meet the Pike Plan's requirement that retail be oriented adjacent to the access easement. The Pike Plan also requires a pedestrian access easement be provided that connects Rockville Pike to the previously mentioned easement. That is being provided between the retained Rockville Pike/Halpine retail building and the proposed new building. The plan also includes a wheelchair lift to provide access for handicapped patrons. The applicant opted for a wheelchair lift in order to create a more pleasant design instead of an area that would have been almost certainly covered with a zig-zagging wheelchair ramp.

The Rockville Pike Corridor Plan proposes a buffer lane between the RPR and RPC Zones on this property. The idea was to provide a separation between dissimilar uses. This plan, however, integrates the mix of uses into a comprehensive plan, eliminating the need for the buffer lane.

- ***Reduced parking standards for support retail located in residential building*** (RPR)

The only residential building that includes retail is the building addition proposed on Halpine Road. The parking tabulation includes a site-wide parking reduction for retail uses. Within the RPC zone, the Zoning Ordinance allows for a minimum of 2.3 parking spaces to a maximum of 7.5 parking spaces for each 100 square feet of retail. The plan proposes 2.3 parking spaces for the retail uses. The parking layout, however, provides 46 more parking spaces than are required under the submitted tabulation. If these parking spaces are factored into the calculation, the Planning

Commission could raise the number required to 2.94 parking spaces per 1,000 square feet and the plan will still work.

- ***75% of all off street parking spaces shall be located underground or in an enclosed structure*** (RPR)

Except for a couple of loading spaces, all of the parking located in the RPR Zone is located in an enclosed structure with this plan.

- ***Retail Establishments shall be located adjacent to the Halpine Promenade, public pedestrian way or access ways designated in the Plan*** (RPR)

The Halpine Promenade is proposed on the north side of Halpine Road and, as such, is not applicable. The pedestrian access way that is proposed to connect all three sites is located adjacent to residential uses. Creating a second pedestrian access way along the back of the buildings that front on Rockville Pike will serve to meet this requirement.

- ***Pike Streetscape (Berm)*** (RPC)

The proposed plan meets the design previously approved by the State. There seems to be some discrepancy, however, with what the State will now approve. Staff is looking into the matter and will impose the design of the berm accordingly. The Pike Plan also envisions the undergrounding of utilities along the Rockville Pike frontage. Although this is an objective of the Pike Plan, it is not a requirement. It is desirable to place the utilities along Rockville Pike underground, this objective has not been implemented in any other redevelopment approval along the Pike. Staff suggests, therefore, that this objective not be implemented at this time. (Please note that not implementing the undergrounding along Rockville Pike does not modify the requirement that any extension of the service to the site be undergrounded.)

- ***Residential required at location and density recommended in the Plan*** (RPC)

This plan implements residential within the RPR Zone as well as the RPC Zone. This is the first time that a redevelopment plan has not only embraced the residential requirements of the RPR Zone but has also integrated residential into mixed use development.

- ***Reduced parking standards for Mixed Use.*** (RPC)

As previously discussed, the application includes a reduction in the normal requirement that five parking spaces be provided for each 1,000 square feet of retail space. This plan achieves a parking ratio of 2.94 parking spaces for each 1,000 square feet.

- ***Building Orientation and development as specified in the Plan*** (RPC)

The new buildings are oriented along the Rockville Pike and Halpine Road frontages as specified in the Pike Plan. The Zoning Ordinance requires that at least 50% of the building facades be placed on the "Build-to Line" along Rockville Pike, which is located 75 feet from the property line or 135 feet from the centerline of Rockville Pike. This means that building "E-c" will have to be shifted approximately three feet closer to Rockville Pike in order to meet this requirement.

- ***Section 25-710.27 (3) – Ground Floor Retail Requirement***

Retail is required in not less than 75% of the ground floor any of any building located in the RPC Zone. This requirement may, however, be waived by the Mayor and

Council. The Mayor and Council approved a waived from that requirement for this project on October 22, 2001.

Urban Design Review:

The Urban Design Review Committee has been involved in the review process since the original proposal was submitted. As previously noted, the original submission did not include a residential component. It was, in fact, a suggestion from the committee representative that planted the seed for residential that has been included in plan currently under consideration. A copy of a recommendation memorandum from the Committee is attached. There are differences in opinion between what the applicant is proposing and what the Committee would prefer. The conclusion is, however, still the same because the plan represents the vision and intent of the Rockville Pike Corridor Plan and at the same time meets the requirements of the Pike Plan and the Zoning Ordinance.

Traffic Analysis:

As noted in the memorandum from the Traffic and Transportation Division, “the proposed changes in land use and densities between the existing shopping center and the proposed mixed-use development, traffic generated by the Congressional South redevelopment would not have a significant and notable impact as defined by the Standard Traffic Methodology at any of the nine intersections analyzed. As shown in the summary tables, the critical land volume over capacity ration (V/C Ration) was improved at the intersection of MD 355 and Halpine Road in the PM peak period.”

Conclusion and Recommendation:

The intent of the requirements of the Rockville Pike Corridor Area requirements are contained in Section 25-710.1 of the Zoning Ordinance. They are intended to:

- 1) ***Protect existing residential areas and adjacent neighborhoods from encroachment of commercial land use, excessive traffic, unlawful noise and pollution.*** The adjacent residential areas and neighborhoods are not encroached upon by non-residential uses, traffic, unlawful noise or pollution. The plan abuts residential to residential and every effort has been made with the design to not impact the Bethany House directly, either with noise, activities or vehicular activity.
- 2) ***Foster an adequate supply of convenience retail activities to serve residents of the corridor and local neighborhoods.*** The uses allowed within the Rockville Pike Corridor are varied; some can be construed as convenience retail and others cannot. No restriction on the type of tenants is proposed by staff. The representatives of the center should, where possible, selectively promote certain tenant types to help create a lively and vibrant community within the development, corridor and local neighborhood.

- 3) ***Encourage mixed use development opportunities to promote combined residential, retail, employment and entertainment centers within the area.*** The proposed plan meets this intent. It has a varied mix that includes retail, restaurant, hotel and residential.
- 4) ***Encourage medium to high density residential development within the area.*** This proposal meets the intent.
- 5) ***Encourage excellence in urban design and improvement in overall City appearance.***

The design is meant to represent urban setting that has been developed with a compatible architectural style. The buildings include a variety of textures, surfaces and colors. The building orientation promotes a cohesive mix of the uses on the property. The design of the structures could also be expanded to nondescript structures around the property by adding bay windows, texture, color and false rooflines.

- 6) ***Encourage development that produces a desirable relationship between buildings and the pedestrian and vehicular circulation systems and between such development and adjacent land uses.***

As noted before, the pedestrian access way is not located in exactly the same location as proposed in the Rockville Pike Plan. It does, however, meet the intent by providing a desirable relationship in the proposed location between the three properties that were intended contain the pedestrian access way. There is no conflict with the existing vehicular circulation systems or the adjacent land uses.

- 7) ***Promote improved pedestrian and vehicular circulation and to integrate pedestrian and vehicular plans with development.***

The right-of-way for an eventual below-grade crossing on the corner of Rockville Pike and Halpine Road will provide a pedestrian safe route across Rockville Pike. The location of the development is meant to appeal to residential tenants that use Metro. City staff will pursue grants to facilitate the design and construction of the below grade crossing.

- 8) ***Implement a streetscape improvement program throughout the area by establishing specific standards for coordination of landscaping and street trees along public rights-of-way public pedestrian ways and buffers between dissimilar uses.***

The Rockville Pike streetscape includes a design for sidewalks that are separated from Rockville Pike with a tree planted berm. Optional Method of Development also requires sidewalks inset with London Pavers. Benches have been included along the pedestrian access way and planters have been included to create an open space experience.

- 9) ***Promote the use of public and private transit facilities and pedestrian access thereto.***

The proximity of the development to the Twinbrook Metro station by itself promotes the use of public and private transit facilities. The improved sidewalk system in and around the site provides improved and safer pedestrian access. In addition, the dedication of the right-of-way for an eventual below-grade crossing will also serve to improve pedestrian safety.

- 10) ***Promote efficient use of land.***

The plan includes retail that is the use most commonly associated with Rockville Pike. It also includes the medium to high density residential component that is envisioned as the use between the retail on Rockville Pike and the residential properties in the Montrose neighborhood.

11) Encourage quality of development and enhance the City's economic base.

The redevelopment will enhance the City's economic base, while at the same time resulting in a quality development.

12) Ensure consistency of development throughout the area.

The proposed development compliments the building style of the buildings and uses in Congressional Plaza. The remaining buildings that surround the property are oriented away from the property, towards Rollins Avenue and East Jefferson Street. The residential use on the Bethany House property is compatible the residential use on this property and the non-residential uses along Rollins Avenue do not conflict with the commercial uses on this property.

In authorizing a development under the Optional Method of Development the Planning Commission must "determine that the proposed development is in substantial accordance with the Plan and with the intent and purpose of this article (Article XIV. Rockville Pike Corridor Area), and is compatible with adjacent existing and permitted uses and developments." The Planning Commission must consider the following in making a determination:

1. ***Traffic impact mitigation, open space and other environmental amenities;***
2. ***The relationship of the development to existing and proposed development in the area;***
3. ***Retention or replacement of existing convenience retail use on the property and the provision of new retail or residential uses.***

All of these considerations have already been addressed in this staff report, as has the concern for compatibility with adjacent existing and permitted uses.

The site plan has been checked for compliance with all requirements and guidelines contained in the Rockville Pike Corridor Plan and the Zoning Ordinance. All areas of concern have already been addressed or are indicated on Exhibit A. Staff was careful to consider the surrounding uses for not only the way that they relate structurally to the proposed development but also for their compatibility. The Bethany House was of particular concern to staff. Even though the buildings closest to it are also residential, there was careful consideration of the area to control and, where possible, eliminate conditions that could impact the elderly residents. The moving truck parking area was pushed back towards Halpine Road where it is not adjacent to the Bethany House. Additionally, mature landscaping as well as fencing is proposed along the area that abuts the Bethany House to block headlights from shining into and on the elderly housing facility. The administrator of the Bethany House has submitted a letter in support of the application.

This plan not only implements the residential component that was envisioned in the Rockville Pike Corridor Plan in the RPR Zone but takes it a step farther by including residential on the part of the property that is zoned RPC. The integration of the residential into the retail portion of the center provides a unique opportunity to create a community that includes a shopping center.

This plan implements all of the findings that must be made in order to approve development under the Optional Method of Development as well as development within the Rockville Pike Corridor. The staff, therefore, recommends approval of Use Permit USE2000-00623, subject to the conditions noted on pages one through four.

Attachments